

# **Exhibit "41"**

January 28, 1999

SRI Andrew Lopez,  
Honolulu International Airport  
Honolulu, Hawaii

Andrew,

This letter is to confirm our discussion of today during which I informed you that your performance has fallen below the Fully Successful level in two critical elements of your performance work plan. These critical elements and the performance standard for them were discussed and an example of your performance follows:

**CRITICAL ELEMENT #3.** Gathers, analyses and disseminates intelligence information.

Performance Standard(s) :

**EXCELLENT:**

Performance exceeds the fully successful standard in that the officer actively seeks intelligence information from new and existing sources and collates it in an informative manner. Devises improved methods of utilizing the available intelligence within and outside the Service, and disseminates pertinent data to the appropriate parties of interest. Case-related intelligence is gathered, received or disseminated and leads to prosecutions, or a cessation of activity. No deficiencies noted.

**FULLY SUCCESSFUL:**

Seeks intelligence information from various existing sources and collates it in an informative manner. Occasionally offers input in applying pertinent intelligence information to effective use. Disseminates data to other officers timely. Not more than two deficiencies noted within rating period.

**MINIMALLY SATISFACTORY:**

Rarely attempts to gather intelligence. Analysis, collation and dissemination of data is haphazard and sporadic. Offers little input into the intelligence operation and requires direction from supervisor to

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participate in the program. Three or more deficiencies documented within rating period.

As has been noted in PART II -- Progress Review Record for the critical element of Intelligence on your performance work plan for the period covering 04/01/98 through 09/30/98, you submitted two G-392 Intelligence Reports during a period spanning six months. There is no record of you having made any other contributions in the area of Intelligence other than a report of an interview sent to the INS office in Seoul.

The expected number of G-392's per Senior is one per month. This expectation has been communicated to you on different occasions, most recently on April 06, 1998 when I circulated a revised version of a document titled "Expectations of Senior Inspectors."

Your input into the Intelligence program at this port can take forms other than the generation of G-392 Intelligence Reports. You may wish to create Fraud Bulletins for the benefit of international carriers serving Honolulu which alert them to new alien smuggling schemes or to new types of fraudulent documents encountered here. You may wish to distribute Fraud Alerts to Inspectors at this port which give Inspectors a "heads-up" as to fraud trends which they should be aware of when working primary or secondary. Or you may wish to create Document Alerts which also serve to give this port's inspectors a "heads-up" as to the latest trends in document fraud.

There are many possibilities in the area of Intelligence. Do not consider this a complete list of the forms which your contribution to this port's intelligence program may take. I am open to suggestion.

**CRITICAL ELEMENT #4:** Provides training in areas of terrorism, drug, alien smuggling and document fraud, post academy and firearms.

Performance Standard(s) :

**EXCELLENT:**

Performance exceeds the fully successful standard in that the officer plans and provides frequent training updates to ensure general awareness of current fraud/criminal activity. Officer is resourceful in applying research and materials, including visual aids, for a more effective presentation.

Progress evaluations are always done fairly and timely. Problems are addressed and solutions offered to the maximum benefit of the trainees. No deficiencies noted.

FULLY SUCCESSFUL:

Develops and conducts timely training sessions for all officers at port of entry. Presents material that is current and technically accurate. Evaluations of student progress are done fairly and submitted timely for post academy class and/or firearms proficiency training. No more than two deficiencies noted within rating period.

MINIMALLY SATISFACTORY

Seldom conducts training sessions and only at the specific direction of a supervisor. Presents material that is inaccurate or not current. Ineffective in evaluating trainee's progress for post academy class and/or firearms proficiency training. Three or more deficiencies noted within rating period.

As has been noted in PART II -- Progress Review Record for the critical element of Training on your performance work plan for the period covering 04/01/98 through 09/30/98, you did not conduct any training during this period of time. On August 31, 1998, you were given lead responsibilities for SRI participation in this port's "blitz" team and you were encouraged to conduct training which inspectors who participate in "blitz" operations would find helpful.

Recently, the operations of the "blitz" teams and the "roving" teams were consolidated. "Blitz" teams, (inspectors who meet arriving flights to screen disembarking passengers) and "roving" teams, (inspectors who look for inadmissible aliens in Customs), will now be working as one team under your direction.

You will be responsible for providing the Administrative Supervisor with a daily schedule of at least six inspectors who are assigned to conduct blitzes or to rove, (or both). This schedule is to be prepared at least one day in advance. Depending on your case load, you have the option of including yourself in the list of assigned inspectors.

You will be expected to hold monthly meetings of team members to get input and ideas from them. Team meetings should also recognize potential security issues.

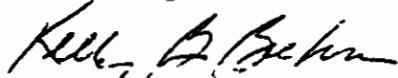
Your participation in this program will provide you with ample opportunities to train inspectors. You should determine the training needs of individual inspectors on the team and then develop appropriate training materials. You may make use of existing "blitz" training outlines prepared by other Senior Inspectors. The material should be updated to reflect the most current trends encountered here. You are also encouraged to make use of document fraud training materials which already exist here, (which will have to be updated), and which you have presented previously in training for carrier agents in August, 1997.

This is a tremendous opportunity for you to develop this idea into an on-going program resulting in the intercept of greater numbers of inadmissible aliens. Your participation in this program will also give you the first chance at developing cases which may turn into criminal prosecutions.

Beginning on the date you receive this letter, you will be given 30 days during which you will have an opportunity to demonstrate performance which meets the Fully Successful standard. I will be monitoring your performance closely during this period and, at the end of the period, I will evaluate your performance and make a determination whether your performance has become Fully Successful during the period. You will be informed soon thereafter of whatever further action is to be taken.

If you have any questions on this matter, feel free to talk to me. I am available to answer your questions and to assist you in improving your performance during this period.

Sincerely,



Kelly B. Brehm